

Exhibit S



U.S. Department of Justice

Office of the Inspector General

September 28, 2018

Alex Betschen
alexbets@buffalo.edu

Subject: Freedom of Information/Privacy Act Request [18-OIG-505]

Dear Mr. Betschen:

This responds to your request under the Freedom of Information Act for access to records maintained by the Office of the Inspector General (OIG). Specifically, you seek records regarding any OIG investigation of the government's use of computer hacking for investigative purposes.

As your request indicates, the OIG issued a report entitled, "A Special Inquiry Regarding the Accuracy of FBI Statements Concerning its Capabilities to Exploit an iPhone Seized During the San Bernardino Terror Attack Investigation." This report may be responsive to your request and is publicly available on our website at <https://oig.justice.gov/reports/2018/o1803.pdf>.

The OIG also located two additional reports that also may be responsive to your request: "A Review of the FBI's Impersonation of a Journalist in a Criminal Investigation," and "A Review of the FBI's Use of Pen Register and Trap and Trace Devices Under the Foreign Intelligence Surveillance Act in 007 through 2009." These reports are also publicly available on our website at <https://oig.justice.gov/reports/2016/o1607.pdf> and <https://oig.justice.gov/reports/2015/o1506.pdf>. If you seek any further information from the OIG, please let us know otherwise we consider this response as closing your request with the OIG.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must

be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may contact our FOIA Public Liaison, Deborah Waller at (202) 616-0646 for any further assistance of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at (202) 741-5770; toll free at 1-877-684-6448.

Sincerely,

Jeanetta M. Howard

Jeanetta M. Howard
Government Information Specialist
Office of the General Counsel